

# **Exhibit 5**

**April 24, 2009**

## **William J. Goetz Deposition Transcript Excerpts**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

APPLETON PAPERS INC. and  
NCR CORPORATION,

Plaintiffs,

vs.

Case No. 08-CV-16-WCG

GEORGE A. WHITING PAPER  
COMPANY, et al.,

Defendants.

NCR CORPORATION,

Plaintiff,

vs.

Case No. 08-CV-0895-WCG

KIMBERLY-CLARK CORPORATION,  
et al.,

Defendants.

Deposition of WILLIAM J. GOETZ

Friday, April 24, 2009

9:00 a.m.

at

CopperLeaf Hotel  
300 West College Avenue  
Appleton, Wisconsin

25 | Reported by Julie A. Poenitsch, RPR/RDR/CRR

1           said?

2   A    My term, that's my term.

3   Q    Okay. Have you heard of the term "licensee"?

4   A    I know what a licensee is. To my knowledge,  
5           Appleton was not a licensee of NCR.

6   Q    And we're talking about the -- just to make sure  
7           we're on the same page -- talking about the 19 --  
8           from when you started at Appleton Coated Paper  
9           Company until your promotion in 1971, your  
10          understanding was that they were an independent  
11          contractor and not a licensee?

12   A    That would -- but that's all I know. I had a  
13          fairly low level job there. I just -- and I don't  
14          remember ever hearing anybody refer to Appleton  
15          Coated as a licensee of NCR.

16   Q    Okay. With regard to your understanding --

17   A    Excuse me.

18   Q    That's fine.

19           With regard to your understanding of the  
20          relationship between Appleton Coated and NCR during  
21          that time period -- try that again.

22           What was your understanding of the  
23          relationship between Appleton Coated and NCR during  
24          that time period? Independent contractor meant  
25          what to you?

1 A They would give us orders for product. We would  
2 buy the base paper from approved sources by NCR.  
3 We would buy the capsule material from NCR. We  
4 would buy the starch and whatever additives from  
5 other suppliers as directed by NCR. And we would  
6 buy the receiver material, the CF material, from  
7 NCR.

8 Our job was to take those -- not from  
9 NCR, I'm sorry. We'd buy the materials as  
10 specified by NCR.

11 We would take those materials and put  
12 them together in formulas that were provided by  
13 NCR. And then we would apply that to paper, to the  
14 specifications by NCR, the amount of material that  
15 went on there, with some leeway to make sure that  
16 we met the requirements of the finished product  
17 that were defined by NCR.

18 And then we would cut the paper up into  
19 rolls or sheets, do orders as provided by NCR, and  
20 we would ship the material to customers as defined  
21 by NCR. That's why I call it a custom coating  
22 facility.

23 Q You mentioned a lot of things. I had to regroup  
24 for a minute.

25 A Shucks.